

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	CASE NO. 22-90341
	§	
Core Scientific, Inc.,	§	CHAPTER 11
Core Scientific Acquired Mining LLC,	§	
Core Scientific Operating Company,	§	
Radar Relay, Inc.	§	
Core Scientific Specialty Mining (Oklahoma LLC)	§	
American Property Acquisition, LLC	§	
Starboard Capital LLC	§	
Radar LLC	§	
American Property Acquisition I, LLC	§	
American Property Acquisition VII, LLC	§	
Core Scientific Mining LLC	§	
	§	
Debtors.	§	

**MOTION FOR RELIEF FROM THE STAY [AND CO-DEBTOR STAY, IF APPLICABLE] REGARDING
NON-EXEMPT PROPERTY**

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN MARCH 21, 2023, AND YOU MUST ATTEND THE HEARING. THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 7 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A TELEPHONIC HEARING ON THIS MOTION ON MARCH 29, 2023, AT 10:00 A.M. IN THE COURTROOM FOR BANKRUPTCY JUDGE DAVID R. JONES, HOUSTON DIVISION, 515 RUSK, COURTROOM 400, HOUSTON, TEXAS 77002.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to repossess the property that is identified in paragraph 3.
2. Movant: Toyota Industries Commercial Finance, Inc. (hereinafter "Toyota").
3. Movant has reviewed schedules filed in this case. The property described in paragraph 3 is not claimed as exempt by the debtor.
4. Type of collateral (e.g., Home, Manufactured Home, Car, Truck, Motorcycle): Toyota direct or as agent for the holder, holds a secured interest for the following:
Schedule 1: two (2) 2020 JLG Scissor lifts, model #s 3246ES-M200031663 and M200031705;
Schedule 2: one (1) 2020 Toyota forklift model #8FBMK25T-10079;
Schedule 3: two (2) 2019 JLG Scissor lifts, model #s 3246ES-M200031625 and M200031369;

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Schedule 4: two (2) 2019 JLG Scissor lifts, model #s 1930ES-M200027308 and M200027416;
Schedule 5: two (2) 2020 Toyota forklifts, model #s 8FBMK25T-10078 and 10080;
Schedule 6: two (2) 2019 JLG Scissor lifts, model #s 3246ES-M200033921 and M200033922;
Schedule 7: two (2) 2020 JLG Scissor lifts, model #s 3246ES-M200031706 and M200031707;
Schedule 8: one (1) 2019 Toyota forklift, model #7FBCU15-70550;
Schedule 9: one (1) 2020 Toyota forklift, model #8FBMK25T-10081;
Schedule 10: one (1) 2021 Aichi Scissor lift, model #SV1930E-796237;
Schedule 11: two (2) 2021 Aichi Scissor lifts, model #s SV1932E-801917 and 801927;
Schedule 12: four (4) 2021 Aichi Scissor lifts, model #s SV1932E-808762, 808761, 808764 and 808763; and
Schedule 13: two (2) 2021 Aichi Scissor lifts, model #s SV1932E-808495 and 808496.

5. Debtor Core Scientific, Inc. signed a Master Lease Agreement – Equipment on or about January 22, 2020, which is attached hereto as **Exhibit “A”**.

6. **Schedule 1:** On or about January 22, 2020, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “B”** and UCC Financing Statement is attached hereto as **Exhibit “C”** in connection with two (2) 2020 JLG Scissor lifts, model #s 3246ES-M200031663 and M200031705.

7. Information in connection with 2020 JLG Scissor lift with VIN # ending in 1663: total amount owed to Toyota is \$13,601.61; post-petition arrears are \$866.24.

8. Information in connection with 2020 JLG Scissor lift with VIN # ending in 1705: total amount owed to Toyota is \$13,601.61; post-petition arrears are \$866.24.

9. **Schedule 2:** On or about January 22, 2020, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “D”** and UCC Financing Statement is attached hereto as **Exhibit “E”** in connection with one (1) 2020 Toyota forklift model #8FBMK25T-10079.

10. Information in connection with 2020 Toyota forklift with model # ending in 0079: total amount owed to Toyota is \$25,845.42; post-petition arrears are \$1,753.28.

11. **Schedule 3:** On or about January 22, 2020, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “F”** and UCC Financing Statement is attached hereto as **Exhibit “G”** in connection with two (2) 2019 JLG Scissor lifts, model #s 3246ES-M200031625 and M200031369.

12. Information in connection with 2019 JLG Scissor lift with VIN # ending in 1625: total amount owed to Toyota is \$12,769.87; post-petition arrears are \$866.24.

13. Information in connection with 2020 JLG Scissor lift with VIN # ending in 1369: total amount owed to Toyota is \$12,769.87; post-petition arrears are \$866.24.

14. **Schedule 4:** On or about January 22, 2020, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “H”** and UCC

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Financing Statement is attached hereto as **Exhibit “I”** in connection with two (2) 2019 JLG Scissor lifts, model #s 1930ES-M200027308 and M200027416.

15. Information in connection with 2019 JLG Scissor lift with VIN # ending in 7308: total amount owed to Toyota is \$8,315.39; post-petition arrears are \$529.57.

16. Information in connection with 2019 JLG Scissor lift with VIN # ending in 7416: total amount owed to Toyota is \$8,315.40; post-petition arrears are \$529.56.

17. **Schedule 5:** On or about January 22, 2020, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “J”** and UCC Financing Statement is attached hereto as **Exhibit “K”** in connection with two (2) 2020 Toyota forklifts, model #s 8FBMK25T-10078 and 10080.

18. Information in connection with 2020 Toyota forklift with model # ending in 0078: total amount owed to Toyota is \$27,525.80; post-petition arrears are \$1,753.28.

19. Information in connection with 2020 Toyota forklift with model # ending in 0080: total amount owed to Toyota is \$27,525.80; post-petition arrears are \$1,753.28.

20. **Schedule 6:** On or about January 24, 2020, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “L”** in connection with two (2) 2019 JLG Scissor lifts, model #s 3246ES-M200033921 and M200033922.

21. Information in connection with 2019 JLG Scissor lift with VIN # ending in 3921: total amount owed to Toyota is \$7,806.90; post-petition arrears are \$529.56.

22. Information in connection with 2019 JLG Scissor lift with VIN # ending in 3922: total amount owed to Toyota is \$7,806.90; post-petition arrears are \$529.56.

23. **Schedule 7:** On or about January 24, 2020, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “M”** and UCC Financing Statement is attached hereto as **Exhibit “N”** in connection with two (2) 2020 JLG Scissor lifts, model #s 3246ES-M200031706 and M200031707.

24. Information in connection with 2020 JLG Scissor lift with VIN # ending in 1706: total amount owed to Toyota is \$12,890.45; post-petition arrears are \$874.42.

25. Information in connection with 2020 JLG Scissor lift with VIN # ending in 1707: total amount owed to Toyota is \$12,890.45; post-petition arrears are \$874.42.

26. **Schedule 8:** On or about March 19, 2020, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “O”** in connection with one (1) 2019 Toyota forklift, model #7FBCU15-70550.

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27. Information in connection with 2019 Toyota forklift with model # ending in 0550: total amount owed to Toyota is \$15,363.42; post-petition arrears are \$1,038.70.
28. **Schedule 9:** On or about March 19, 2020, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “P”** and UCC Financing Statement is attached hereto as **Exhibit “Q”** in connection with one (1) 2020 Toyota forklift, model #8FBMK25T-10081.
29. Information in connection with 2020 Toyota forklift with model # ending in 0081: total amount owed to Toyota is \$26,089.26; post-petition arrears are \$1,769.82.
30. **Schedule 10:** On or about November 1, 2021, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “R”** and UCC Financing Statement is attached hereto as **Exhibit “S”** in connection with one (1) 2021 Aichi Scissor lift, model #SV1930E-796237.
31. Information in connection with 2021 Aichi Scissor lift with VIN # ending in 6237: total amount owed to Toyota is \$11,099.55; post-petition arrears are \$889.66.
32. **Schedule 11:** On or about September 10, 2021, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “T”** in connection with one two (2) 2021 Aichi Scissor lifts, model #s SV1932E-801917 and 801927.
33. Information in connection with 2021 Aichi Scissor lift with VIN # ending in 1917: total amount owed to Toyota is \$12,644.64; post-petition arrears are \$727.59.
34. Information in connection with 2021 Aichi Scissor lift with VIN # ending in 1927: total amount owed to Toyota is \$12,644.61; post-petition arrears are \$727.56.
35. **Schedule 12:** On or about November 5, 2021, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “U”** in connection with four (4) 2021 Aichi Scissor lifts, model #s SV1932E-808762, 808761, 808764 and 808763.
36. Information in connection with 2021 Aichi Scissor lift with VIN # ending in 8762: total amount owed to Toyota is \$11,783.42; post-petition arrears are \$738.14.
37. Information in connection with 2021 Aichi Scissor lift with VIN # ending in 8761: total amount owed to Toyota is \$11,783.42; post-petition arrears are \$738.14.
38. Information in connection with 2021 Aichi Scissor lift with VIN # ending in 8764: total amount owed to Toyota is \$11,783.42; post-petition arrears are \$738.14.
39. Information in connection with 2021 Aichi Scissor lift with VIN # ending in 8763: total amount owed to Toyota is \$11,783.42; post-petition arrears are \$738.14.

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40. **Schedule 13:** On or about November 5, 2021, Debtor Core Scientific, Inc. signed Equipment Schedule to Master Lease Agreement – Equipment attached hereto as **Exhibit “V”** in connection with two (2) 2021 Aichi Scissor lifts, model #s SV1932E-808495 and 808496.
41. Information in connection with 2021 Aichi Scissor lift with VIN # ending in 8495: total amount owed to Toyota is \$11,695.69; post-petition arrears are \$905.74.
42. Information in connection with 2021 Aichi Scissor lift with VIN # ending in 8496: total amount owed to Toyota is \$11,695.70; post-petition arrears are \$905.75.
43. Amount of unpaid, past due property taxes, if applicable: \$unknown.
44. Expiration date on insurance policy, if applicable: unknown.
45. Toyota seeks relief based on default in payments for the subject vehicles. See attached breakdown attached hereto as **Exhibit “W”**.
46. Based on the foregoing, movant seeks termination of the automatic stay [and the co-debtor stay, if applicable] to allow movant to foreclose or repossess the vehicles and seeks to recover its costs and attorney’s fees.
47. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor’s counsel (or with Debtor(s), if *pro se*) either by telephone, by e-mail or by facsimile, by the following person on the following date and time: Shawn K. Brady’s assistant emailed Debtor’s attorney’s office on February 23, 2023. As of the date of filing, there has been no agreement reached.

Date: February 28, 2023

/s/Shawn K. Brady

Movant’s counsel signature

Name: Shawn K. Brady

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S.D. Tex. Bar No.: 17843

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Certificate of Service and Certificate of Compliance with BLR 4001

On February 28, 2023 a copy of this Motion was served by Debtors, Core Scientific, Inc., et al, 210 Barton Springs Road, Suite 300, Austin, Texas 78704; and by ECF to parties listed in attached Matrix requesting notice.

/s/Shawn K. Brady

Movant’s Counsel